

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CRIMINAL DOCKET NO. 3:04CR255 V

UNITED STATES OF AMERICA )

vs. )

ALBERTO SANMIGUEL, JR. (1) )  
FLORENCIO SANMIGUEL, III (6) )  
\_\_\_\_\_ )

ORDER

**THIS MATTER** is before the Court on its own motion to continue the captioned criminal matter from the 20 March 2006 criminal term in the Charlotte Division.

The Court finds that the Defendants' cases are "joined for trial with a co-defendant as to whom the time for trial has not run and no motion for severance has been granted," **18 U.S.C. § 3161(h)(7)**, and that failure to continue this matter would result in a miscarriage of justice. **18 U.S.C. § 3161(h)(8)(B)(i)**. The Court further finds that the ends of justice served by taking such action outweigh the best interest of the public and the Defendants to a speedy trial, and that the Government does not oppose this motion.

**IT IS, THEREFORE, ORDERED** that this case is hereby continued from the March 2006 criminal term in the Charlotte Division to the 15 May 2006 criminal term in the Charlotte Division, absent extraordinary circumstances, this will be the **final** continuance in this case.

Signed: March 7, 2006



Richard L. Voorhees  
Chief United States District Judge

